

obviousness just as
obviousness. In re Gershon,
152 USPQ 602 (1967).

In re Rau, 117 USPQ 215 (CCPA 1958)

* It is well settled that a patent cannot be granted for an applicant's discovery of a result, even though it may be unexpectedly good, which would flow logically from the teaching of the prior art.

In re Lindell, 155 USPQ 521 (CCPA 1967)

Further, if the evaluation of the invention as a whole is obvious, evidence of superior results does not preclude the finding of obviousness.

In re Linder, 173 USPQ 356 (CCPA 1972)

(Arguments or conclusory statements unsupported by factual evidence are insufficient to establish unexpected results.

In re Wright, 193 USPQ 332 (CCPA 1977)

A comparative study with the prior art to show unexpected advantages must employ the closest prior art in the case.

NOTE: A comparison of the claimed invention with the disclosure of each cited reference to determine the number of claim limitations in common with each reference, bearing in mind the relative importance of particular limitations, will usually yield the closest single prior art reference.
In re Merchant, 197 USPQ 785, 787 (CCPA 1978)

See section VII(C) for affidavits dealing with unexpected results.

M. Basis for Claiming Criticality

In re Cole, 140 USPQ 230 (CCPA 1964)

(We would agree that it is an established principle of law that a limitation merely with respect to proportions in a composition of matter or process will not support patentability unless such limitation is "critical." e.g., Minerals Separation, Ltd. v.

* ~~portion~~ that the prior art inherently teaches fibril fraction
about clear evidence to the contrary

fibrillated - increasing surface layer

defines fiber fraction - based upon the diameter
of the fiber.

large surface area
for reinforcing mats adjust the diameter.

degree of fibrillation

increase the degree of fibrillation
will have
a higher
fiber
fraction.

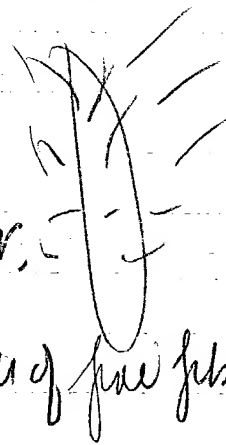
filtering - fibrillated cellulose.

patented

* optimizable - high degree of ~~optimal~~ fibrillation
increase surface area - highly
desirable

* provide clear fibril - areas → amt. of fibrils
direction for high degree of fibrillation

as to what parameters are critical
namely the degree of fibrillation + a
suggestion as to how the diameter of
increased degree of fibrillation the elementary fiber.
increase surface area, check spec on
diffusion - reinforcing
properties



diameter of fine fibrils

in Rev Farrell as though the prior art is silent to the
language fibril fraction, overlooked
in the art, the increase in the degree
of fibrillation would by definition
is relative to the fibril fraction.
result in higher
fibril fractions

Not specific to the degree of fibrillation -
advantage of it, superiority,
no more than prior art suggest one
to do. - (new references)

* in the Lau, 117 USPQ 215 logical lackings
from prior art for higher degree of fibrillation

in the O'Farrell

me G

prior art clearly provides an indication w/
parameters are critical: the ~~the~~ degree of fibrillation
provides direction as to ~~the~~ that the
increase in said degree in fibrillation
would be successful in obtaining increased
surface area, diffusion for reinforcing
matrix.

The

This is
optimal

The office action was rendered final
by applicant's
amendment.